

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALARMAX DISTRIBUTORS, INC.,

Plaintiff,

-against-

HONEYWELL INTERNATIONAL INC.,

Defendant.

Civil Action No. 2:14-cv-01527-DSC/MPK

JURY TRIAL DEMANDED

**DEFENDANT HONEYWELL INTERNATIONAL
INC.'S MOTION TO DISMISS THE COMPLAINT**

AND NOW comes the Defendant Honeywell International Inc. (“Defendant” or “Honeywell”), by and through its undersigned counsel, who pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure hereby moves to dismiss Plaintiff AlarMax Distributors, Inc.’s (“Plaintiff’s”) Complaint with prejudice. The Complaint should be dismissed because:

1. Plaintiff’s Robinson-Patman Act claim (Count II) fails to plead the material elements of a Section 2(a) violation by a vendor, a precondition to a finding of Section 2(f) violation by a buyer, insofar as the Complaint fails to identify any sales or transactions where products were sold at discriminatory prices by any vendor, and also fails to allege any facts demonstrating that Defendant knowingly induced or received any illegal pricing, as additionally required by Section 2(f); and

2. Plaintiff’s breach of contract claim (Count I), which purports to piggyback on the allegations underlying Count II, similarly fails to plead any conduct, transaction or breach by the Defendant of any of the alleged agreements.

Defendant respectfully refers the Court to the Memorandum of Law in support of the present motion and the accompanying Declaration of Alison L. MacGregor and exhibits attached thereto, all filed contemporaneously herewith.

Dated: January 7, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to the following:

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